

# Lynsted with Kingsdown Parish Council

## Standing Orders

### Preamble

#### **1. Context**

- 1.1. Lynsted with Kingsdown Parish Council's (LKPC) 'Standing Orders' are, in effect, the rules and guidelines that its members and Officers agree to abide by when carrying out the work of the Parish Council.
- 1.2. These standing orders were adopted at the meeting of LKPC held on 8<sup>th</sup> July 2008 and review at the meeting held on 12/05/14

#### **2. References**

- 2.1. **Code** : means the Local Authorities (Model Code of Conduct) order 2007 No. 1159 and the Good Councillor's Guide Second Edition
- 2.2. **Guide** : means the Code of Conduct Guide for Members May 2012 issued by the Swale Borough Council

#### **3. Adoption of the Code of Conduct**

- 3.1. LKPC adopted the Code on 7 August 2007.
- 3.2. A written acceptance of the Code of Conduct should be handed to the clerk within 30 days of a member's acceptance of office.

#### **4. Conduct**

- 4.1. Councillors are expected to be familiar with both the Code and the Guide.
- 4.2. In particular, Councillors' attention is drawn to the Ten General Principles of Public Life in Chapter 1 of the Guide and the Annexure to the Code.

#### **5. Application of Standing Orders**

- 5.1. The Standing Orders of the Council apply to LKPC and to any committee, or Working Group that it elects or appoints.
- 5.2. These Standing Orders are the adopted code by which the members of Lynsted with Kingsdown Parish Council are bound. In accepting the office of Parish Councillor, members are deemed to be accepting the directions of these Standing Orders.
- 5.3. These Standing Orders are subject to any requirements of the Local Government Act 1972 and other relevant legislation. In case of conflict, the legislation shall prevail.

- 5.4. All references indicating male gender shall also be deemed to relate to the female gender.
- 5.5. For the avoidance of doubt, the Preamble and Basic Principles form part of the Standing Orders.

## **6. Means of Amendment**

- 6.1. Any motion to add to, vary or revoke these Standing Orders should be made in the following way:-
  - 6.1.1. The Standards Committee will make a recommendation to the full Parish Council.
  - 6.1.2. The changes should be discussed and noted either in an extraordinary meeting called for the purpose of changing the standing orders or at the next ordinary meeting of LKPC.
  - 6.1.3. All Parish Councillors should be notified in writing of the proposed changes at least two weeks in advance of the meeting.

## **Basic Principles**

### **7. The Authority of the Chairman**

- 7.1. The Authority of the Chairman of a local authority is created by statute which has conferred upon the occupant of the Chair a second or casting vote on all occasions but one (See Voting, paragraph two)
- 7.2. Whether or not the Council has passed any standing orders, the Chairman's procedural authority is derived from the Council as a whole and his ruling must be obeyed by an individual councillor because they are the rulings of the Council itself.
- 7.3. It follows from this, however, that the Chairman cannot overrule the Council and that a councillor who is dissatisfied with the Chairman's ruling may invite the Council to disagree with it. Such appeals against the Chairman ought to be very rare.
- 7.4. The authority of the Chairman as such is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case.
- 7.5. Whilst Chairmanship gives authority on matters of procedure, it confers no rights (other than a casting vote on matters of policy) which are not possessed by other members of the Council.
- 7.6. The Chairman has a casting vote. However, the Chairman ought to use his discretion in such a way that will leave the way open for further negotiations or reconsideration. For example, if there is an equality of votes he may declare the resolution not carried.
- 7.7. This does not apply to the presiding Chairman at the time of electing the Chairman at an AGM. On this occasion, if there is an equality of votes, the presiding Chairman must use the casting vote in order that the office is filled for the forthcoming year.

## **8. Public Disturbances**

- 8.1. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is better to stop an interruption before the habit spreads to the rest of the audience. Although the Chairman may need to cut an interrupter short he should try and maintain an air of good humour and reconciliation. However if the interruptions are persistent the Chairman may need to warn the interrupter that he will be cast from the meeting unless order is maintained. If this fails the interrupter may be evicted without further discussion. Violence must be avoided; in the event of someone refusing to leave, the police should be called.
- 8.2. The Chairman should never argue or allow argument with an interrupter. If the meeting becomes unruly it may be necessary to close the meeting or adjourn to a private venue. It is illegal to exclude the public from any future meeting.

## **9. Personal and Prejudicial Interest**

- 9.1. The law requires that where a member has a personal interest in any matter he must disclose the existence and nature of that interest. If the personal interest is also prejudicial, (as set out in the Code paragraphs 10 and 12) the Councillor should withdraw from the meeting until the Council has dealt with that part of the business.
- 9.2. If a reasonable member of the public with knowledge of the relevant facts would think that your judgement of the public interest might be prejudiced, then a prejudicial interest is established.
- 9.3. If the Chairman considers a Councillor may have any such interest (including himself) he shall draw the possibility to the member's attention.
- 9.4. It is for the individual Councillor to decide whether he should disclose any relevant interests.
- 9.5. If other members feel that a prejudicial interest has not been disclosed they have an obligation to draw this to the Chairman's attention during the meeting.
- 9.6. If the Councillor is not present at the meeting, or is but subsequently reconsiders his or her stance, then the matter must be drawn to the attention of the Chair or to the LKPC Standards Committee as soon as possible afterwards.
- 9.7. If a member of LKPC reasonably believes another member is in breach of the Code of Conduct, he is under a duty to report the breach to the monitoring officer at Swale Borough Council. Swale House, East Street. Sittingbourne. Kent. ME10 3HT 01795 424341
- 9.8. If any Councillor declares an interest in any item on the agenda then a Declaration of Interest Form must be completed as per the standing agenda item and filed with the Clerk.

## **10. Quorum**

- 10.1. No business may be conducted without a quorum being present. This rule applies both to absence and where a member may be disqualified due to a personal or prejudicial interest. If it is impossible to gather a disinterested quorum then those members with a

personal or prejudicial interest may apply to the Standards Committee for consideration on a case by case basis where appropriate.

- 10.2. Quorum has to be met within 15 minutes of published start time of meeting otherwise the meeting will be cancelled.

## **11. Decisions and Voting**

- 11.1. Motions should be made in a positive form, and every decision of the Council must be made by an affirmative vote. Where there is more than that one decision in any item of business each decision should be voted on separately.
- 11.2. On occasions the Council may be faced with intertwining issues and alternatives. On these situations it is best to decide on basic principles, and then to look at the decisions needed to achieve the selected principle.
- 11.3. Every decision must be reached by a majority of votes (the rules on this are peremptory and admit no exceptions)

## **12. Ultra Vires Proposals**

- 12.1. The Chairman should satisfy himself that all proposals, particularly those involving expenditure, are lawful. Where there is any doubt, the item should be suspended until the next meeting.

## **13. Impartiality**

- 13.1. When a difference of opinion develops in discussion it is the duty of the Chairman to give a fair hearing to all points of view, including his own. It is not the Chairman's duty to either suppress his convictions, nor his privilege to impose his own opinions.

## **14. Relevance**

- 14.1. A speech must be directed to the point under discussion and nothing else.
- 14.2. If any substantial issue arises on a matter dealt within 'matters arising' it is better to have a separate agenda item rather than discuss it under this heading.
- 14.3. Letters received by the clerk should not be read out verbatim. On rare occasions when the whole content of a letter needs to be aired then the clerk should issue copies.
- 14.4. When the Parish Council meets it must (by law) specify the business to be transacted. Therefore a local council cannot legally take any action under the heading of 'any other business' as these words do not specify an item of business.
- 14.5. There is no objection to exchanging information under AOB or using AOB as a method of bringing onto the agenda of the next meeting important matters of a financial or legal nature.
- 14.6. The law has no provision for dealing with urgent business. If it is 'urgent' only because it was not notified in time to appear on the agenda it should be left to the next meeting. If

it is genuinely 'urgent' an additional meeting should be called, or the council should have a regular arrangement for dealing with these matters (e.g. by a committee such as in the planning committee or by agreed delegation to the clerk).

## **15. Presence of the Public/Press**

- 15.1. In principle the public (including the press) should be admitted to all meetings of the council and its committees.
- 15.2. The public may be excluded for a particular item of business if the exclusion is reasonably in the public interest. There is a presumption that no business should be conducted in private.
- 15.3. Neither the Council nor any of its members shall enter into confidential discussion with any parishioner or third party.
- 15.4. If the public has been excluded the decisions of the council should be minuted in the normal way.
- 15.5. The public cannot take part in the decisions of a council. However LKPC has a local arrangement whereby the public may address the council on a particular matter. These sessions have a time limit.

## **16. Maladministration**

- 16.1. It is important for the good name of the council that a complaint is handled properly and fairly. In the light of the Local Government Act 2000 LKPC has adopted the NALC Complaints procedure LTN9E, details of which are available from the clerk.(Page 72 of the Governance Toolkit for Parish & Town Councils)

## **Standing Orders**

### **17. Housekeeping**

- 17.1. Smoking is not permitted at any meeting of the Parish Council.
- 17.2. Mobile phones must be switched off during the meeting except by permission of the meeting.

### **18. Quorum of LKPC.**

- 18.1. The quorum for LKPC and any Committee is one third of full membership with a minimum of 3 Councillors.
- 18.2. If a quorum is not present, or if during a meeting the number of councillors present falls below a quorum, the meeting will be adjourned. Any business not dealt with should be put into the agenda of the next meeting.

## 19. **Attendance**

- 19.1. Councillors shall endeavour to attend all full LKPC meetings and all meetings of those committees to which they are appointed.
- 19.2. Councillors who fail to attend 50% of full meetings or committee meetings in any 12 month period should seriously consider their position on the Council in light of practical difficulties caused by their absence.
- 19.3. If a Councillor fails throughout six consecutive months to attend any meeting of the Council they cease to automatically be a member and must resign, unless they have a statutory excuse or there are other mitigating circumstances approved by the council.
- 19.4. If a councillor is unable to attend, apologies with reason should be given to the clerk.

## 20. **Agenda**

- 20.1. The clerk (or person responsible for the agenda) should strive to distribute the agenda five working days before the date of the meeting. However, this may not always be possible. Therefore the minimum time period for distribution of agendas for meetings or any committee that has delegated powers, shall be three working days before the date of the meeting.
- 20.2. Agendas shall be displayed on Council Notice Boards according to the same timetable.
- 20.3. Reports should be sent to the clerk seven days before the meeting for circulation and will at the meeting be taken as read. If they cannot be circulated in time they can be tabled at the meeting.

## 21. **The Annual Parish Council Meeting**

- 21.1. In an election year the Annual Meeting of the Parish Council shall be held on or within 14 days following the day on which the councillors are elected to take office.
- 21.2. In a year that is not an election year the Annual Meeting of the Parish Council shall be held on a day in May as agreed by LKPC.
- 21.3. In addition to the Annual Meeting of the Parish Council there will be at least six other meetings held in the year at a time and place as agreed by LKPC.

## 22. **Order of business at each Annual Meeting of the Parish Council**

- 22.1. At the Annual Parish Council Meeting the first business will be:-
- To elect a Chairman of LKPC
  - To receive the Chairman's acceptance of office, or, if not received, to decide when it shall be received.
  - In an ordinary year of election of the council, to fill any vacancies left unfilled at the election due to insufficient nominations by co-opting the number of members needed.
  - To decide by when declarations of acceptance of office shall be received, and to agree a date by which written acceptance of the Code of Conduct should be received.
  - To elect a Vice Chairman

- To agree the committees for the forthcoming 12 months
- To agree arrangements for appointing committees and representative to outside bodies

22.2. To agree arrangements for reviewing the Standing Orders.

22.3. To read and consider the minutes of the last meeting, to approve those minutes if agreed by LKPC and for those minutes to be signed as a correct record by the person presiding.

22.4. To receive the Chairman's report from the prior year.

22.5. To receive and approve the Statement of Account for the prior financial year.

### **23. Conduct of business at Parish Council Meetings**

23.1. The order of business at every meeting of the Council shall be:-

- To approve as a correct record any minutes and reports of the previous meeting.
- To consider declarations of interest
- To deal with any matters arising from those minutes.
- To receive and consider those other items specified in the agenda
- To receive reports, financial transactions and correspondence.
- To appoint committees as necessary to expedite council affairs.
- To at any time dissolve or alter the membership of its committees.
- To deal with business expressly required by statute to be done.

23.2. No business at any meeting of LKPC (or its committees) shall be transacted after 10pm unless LKPC resolves to continue.

23.3. If any business to be transacted at the meeting remains unfinished the business shall be adjourned until the next meeting unless it is considered urgent when a further meeting will be convened.

### **24. Chairman of the Parish Council**

24.1. The Chairman of the Parish Council shall not hold office for more than 4 years consecutively.

24.2. The Chairman of the Parish Council shall not be a member of the Standards Committee.

### **25. Chairman of the meeting**

25.1. At every meeting other than an Annual Parish Council Meeting a Chairman should be appointed should the Chairman and Vice Chairman be absent.

25.2. The person presiding at a meeting may exercise all the powers and duties of the elected chairman in relation to the conduct of the meeting

**26. Voting**

- 26.1. If a member so requires, the clerk will record the names of members who voted on a particular proposal to put on record the members who voted for or against it. Such a request should be made before moving onto the next item of business.
- 26.2. In the event of the Chairman and Vice Chairman not being re-elected at the quadrennial public elections, the outgoing chairman or Vice Chairman should preside at the Annual Parish Council Meeting until the members elect the new Chairman. In these circumstances the outgoing Chairman or Vice Chairman has no vote in the election of the new Chairman.
- 26.3. The person presiding shall give a casting vote whenever there is an equality of votes in an election for a Chairman.

**27. Decisions**

- 27.1. Except as provided for by these Standing Orders no decisions may be made unless the business that they relate to has been put on an agenda and publicly circulated for at least three working days before the meeting.

**28. Rules of Debate**

- 28.1. No discussion should take place on the minutes of the previous meeting other than to comment on their accuracy.
- 28.2. Members should address the chairman; if two members wish to speak the chairman will decide who goes first.
- 28.3. Each member of LKPC should be given an opportunity to comment on a matter under discussion. These comments should be kept to a minimum, and be to the point.

**29. Finance**

- 29.1. The clerk is normally the Responsible Financial Officer.
- 29.2. In the absence of a clerk or any member willing to assume the role, at any time, the chairman of the finance committee shall be the Responsible Financial Officer.
- 29.3. The council shall maintain a set of financial standing orders giving details of how the council manages its finances (Guide page 31).
- 29.4. A register of bank account details and authorised cheque book holders and signatories shall be maintained.
- 29.5. A statement of income and expenditure, current account balances and forecasted expenditure against budget shall be presented at each full parish council meeting.

29.6. Orders for the payment of money should be agreed by the council and signed by two parish councillors.

### **30. Extraordinary Meetings of LKPC**

30.1. An extraordinary meeting may be called as follows:-

- At any time by its Chairman; or
- By any two members of the Parish Council in circumstances where the Chairman is presented with a requisition for a meeting signed by two Members of the Parish Council.

30.2. A Parish Meeting may be called with the agreement of the LKPC, should a matter of major importance require wide consultation or discussion.

### **31. Committees**

31.1. Each committee should appoint a Chairman at its first meeting after the Annual Meeting.

31.2. The Chairman of the committee has all the powers of the Chairman as described in these standing orders.

31.3. The Chairman or representative should prepare and present a report for each Parish Council meeting. This report should include written estimates of any expenditure required and time permitting, submitted to the clerk to inclusion with the circulation of the agenda.

31.4. To ensure that it is operating effectively, each committee shall at least once a year review its own performance, composition and terms of reference effectively and recommend any changes it considers necessary to LKPC for approval.

### **32. Delegated Powers**

32.1. When electing a committee that has delegated powers councillors should ensure that sufficient members are elected on to it to ensure a quorum.

32.2. No committee may take decisions on behalf of LKPC in any circumstances other than:-

- It is specifically agreed by the Parish Council
- It publishes an agenda that is circulated at least seven days before the meeting and
- The meeting is held in a public place and
- The public and press (subject to paragraph 18) are admitted.

### **33. Declaration of Interest**

33.1. If a member has an interest then he should declare that interest as soon as it becomes apparent disclosing the existence and nature of that interest as required.

33.2. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room during consideration of the item on which the interest relates.

- 33.3. A withdrawing member may make a statement to the meeting before withdrawing.
- 33.4. The clerk shall record particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the file shall be open during reasonable hours of the day for the inspection of any member.
- 33.5. A copy of the Register of Members' interests is kept by the clerk in accordance with the agreement reached with the Monitoring Officer of the Responsible Authority as required by statute.

#### **34. Disorderly Conduct**

- 34.1. No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave offensively, improperly, or in such a manner as to bring LKPC into disrepute.
- 34.2. If in the opinion of the Chairman anyone has acted in an improper manner in the meeting the Chairman may express this opinion. If a second member of the council seconds the Chairman's opinion the disorderly member should be asked to leave the meeting.
- 34.3. If a member of LKPC reasonably believes another member is in breach of the Code of Conduct, he is under a duty to report the breach to the Monitoring Officer at Swale Borough Council. Swale House, East Street. Sittingbourne. Kent. ME10 3HT 01795 424341
- 34.4. All written complaints received about the conduct of LKPC or its parish councillors will be handled by the Standards Committee.

#### **35. Inspection of Documents**

- 35.1. All minutes kept by LKPC or its committees shall be open for the inspection of any members of the council and the public on request.
- 35.2. Copies of current minutes will be put on display on the LKPC website and at the Teynham Public Library.

#### **36. Admission by the Public and Press**

- 36.1. The public and press should be admitted to all meetings of LKPC including its committees other than in the following circumstances:-
- That in view of the special/confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public are temporarily excluded.
  - LKPC or the committee state the special reason for exclusion
- 36.2. The public and press can then be asked to withdraw whilst the special/confidential business is discussed.
- 36.3. The clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present

## **Members of the public**

36.4 The public will be given an opportunity to address LKPC (or its committees exercising delegated powers as described in paragraph 13) under the agenda item 'Time for members of the public to address the Council' or just before the relevant item is discussed - chairman to decide, with agreement of members. At the discretion of the chairman, taking into account the number of deputations, this address may be restricted to three minutes.

### 36.5 **Remote meetings**

When members of the public are present in a Parish Council meeting held by computer link they should, if requested to do so by the Chairman:

- identify themselves and anyone present with them
- turn on their video function when invited to speak

Microphones should be turned off at all other times, in order to avoid excessive background noise.

Log in details for remote meetings are available from the Clerk.

## **37. Confidential Business**

37.1. No member of LKPC shall disclose to any person not a member of the Council any business declared to be confidential by the council or any of its committees.

37.2. Any member found to be in breach of this may be removed from any committee or sub committee. If thought to have brought LKPC into disrepute that member should be referred to the Standards Committee.

## **38. Co-option of councillors**

38.1 Where a candidate applies to be co-opted onto the Parish Council as a Councillor (subject to a vacancy existing) the procedure shall be as follows. The prospective co-option of the named candidate will be listed as an agenda item for the next monthly Parish Council meeting. The candidate will be asked to speak for 2-3 minutes to introduce themselves and explain why they would like to join the Council. Members are then invited to ask questions. The candidate will remain in the meeting until towards the end, when the Chairman will request that they leave. The members will then discuss the application and a vote shall be taken. The decision of the Council shall be final. The clerk will notify the candidate whether their application has been successful.

## **39. Matters Outside the Scope of these Standing Orders**

39.1. These standing orders are limited to the specific situations described. There will be occasions in which the Chairman and members of LKPC have to make a decision based on the circumstances at the time.

**40. Distribution of the Standing Orders**

- 40.1. A copy of these standing orders should be given to each prospective Parish Councillor before he signs his acceptance of office. Once ratified by LKPC each member of LKPC shall be given a copy.